

**AFFIDAVIT OF PUBLICATION**

State of Hawaii )

) SS:

County of Hawaii )

LEILANI K. R. HIGAKI

\_\_\_\_\_, being first  
duly sworn, deposes and says:

1. That she is the BUSINESS MANAGER of  
HAWAII TRIBUNE-HERALD, a  
newspaper published in the City of HILO,  
State of Hawaii.

2. That the "IMPORTANT NOTICE TO CLASS MEMBERS IN "AMONE, ET AL  
V. AVEIRO, HCDCH:, CIV. NO. 04-00508 OF PROPOSED SETTLEMENT AND ORDER...  
etc.,"

of which a clipping from the newspaper as published is attached hereto, was pub-  
lished in said newspaper on the following date(s) \_\_\_\_\_

July 1, 2007

269334

*Leilani K. R. Higaki*

Subscribed and sworn to before me

this 12th day of July, 2007

*Sharon H. P. Ogata*

SHARON H. P. OGATA

Notary Public, Third Circuit, State of Hawaii

My commission expires October 1, 2008

**IMPORTANT NOTICE TO CLASS MEMBERS IN  
"AMONE, ET AL V. AVEIRO, HCDCH, CIV. NO. 04-00508 OF  
PROPOSED SETTLEMENT AND ORDER"**

Pursuant to Rule 23 (e) of the Federal Rules of Civil Procedure, you are hereby notified of the following:

1. The Complaint in this case was filed on August 18, 2004, asking for declaratory and injunctive relief, and alleging that the "Housing and Community Development Corporation", now known as the "Hawaii Public Housing Authority", failed to notify disabled tenants of their rights under various federal laws, failed to adopt procedure to increase utility allowances for qualified disabled tenants, and charged qualified tenants rent in excess of that allowed by law.
2. On March 2, 2005, the Court entered an Order Certifying this action as a class action and defining the class as: 1) disabled persons that currently reside, or have resided since August 18, 2002, in a public housing project, 2) in which residents receive utility allowances, and 3) whose special needs arising from their disability require them to consume utilities in excess of the amount provided for in the standard public utility allowances.
3. On May 31, 2005, the Court entered an order in favor of Plaintiffs, holding that HCDCH did violate the law and requiring HCDCH to make appropriate adjustments to the utility allowances for those residents whose special needs arising from their disability require them to consume utilities in excess of the amount provided for in the standard public housing utility allowances.

The parties filed a Joint Motion for Preliminary Approval of Settlement of the case, and asked the Court to set a Final Fairness Hearing to approve settlement and dismissal of the case. According to the Joint Motion, Plaintiffs have received the declaratory and injunctive relief they requested, the HCDCH has complied with the Court's Order by undertaking the required corrective measures to provide eligible disabled tenants with the appropriate supplemental utility allowances.

The Settlement Agreement provides that HCDCH shall pay Plaintiffs' attorneys fees and costs of \$40,158.

The Court held a hearing on the Joint Motion for Preliminary Approval of the settlement of May 21, 2007. At the hearing, the Court ordered the Final Fairness Hearing, to approve the settlement as being fair, reasonable, and adequate, for August 27, 2007.

If you are a class member and object to the settlement of the case, or you wish to be excluded from the settlement of the case, you must submit your written objections to Class Counsel no later than ten (10) days before the Final Fairness Hearing, that is, on or before close of business on August 17, 2007 to:

SHELBY ANNE FLOYD, ESQ.  
Alston Hunt Floyd & Ingo  
American Savings Bank Tower  
1001 Bishop Street, 18th Floor  
Honolulu, Hawaii 96813

69334 Hawaii Tribune-Herald: July 1, 2007)